

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20858 of 1999

Dated: 18-04-2007

Between:

1. Mr. R. S. Nanda, s/o Vidhyadhar Nanda,
Managing Director, Coromandal Fertilizers Limited,
Coromandal House, 1-2-10, Sardar Patel Road,
Secunderabad – 500 003 and another.

... Petitioners

and

1. The Assistant Inspector of Factories,
Government of Andhra Pradesh,
Visakhapatnam – 530 011 and 2 others.

... Respondents

ORDER:

Heard learned counsel for the parties.

2. Petitioners 1 and 2, Managing Director and Vice President respectively of Coromandel Fertilisers Limited, Visakhapatnam, state that on 01-06-1999 a workman, namely B. Kalavayya, employed by the Contractors – L & T Ltd., who was engaged in a pile-driving machine, was involved in an accident and sustained a crush injury on his right

hand. The injured was immediately rendered first aid in the fully equipped Ambulance Room available in the factory premises and was referred to ESI Hospital, Malkapuram. The accident was promptly reported to second respondent on 02-06-1999 as required under the Factories, Act, 1948. The second respondent – Joint Inspector of Factories, Visakhapatnam conducted an inspection of the factory on 02-06-1999 and issued

show-cause notice to them in Lr.No.A.1576/99 dated 17-06-1999 and they gave reply on 11-08-1999. In the meanwhile, without waiting for the sanction from third respondent, first respondent as per the authorization of second respondent launched prosecution against them and the same was numbered as S.T.C.No.187 of 1999 on the file of the Court of the VIII Metropolitan Magistrate, Gajuwaka. Aggrieved by the initiation of the said prosecution they approached this court and filed the present writ petition.

3. In paragraph 6 of the counter affidavit it is stated that second respondent filed a complaint in the local Court on 31-08-1999 and informed the same to the Director of Factories vide letter No.A1576/99 dated 07-09-1999 and requested to ratify his action of filing a complaint without obtaining prior sanction of prosecution. But, the Director of Factories ordered for withdrawal of the case in view of the orders issued earlier dropping prosecution and approving warning vide Memo No.B1/20849/99, dated 22-09-1999.

4. In the light of the said statement made by the Director of Factories, who is arrayed as third respondent in the writ petition, the prosecution launched by respondents 1 and 2 against petitioner herein in S.T.C.No.181 of 1999 is liable to be quashed.

5. Accordingly, the writ petition is allowed and the proceedings in S.T.C.No.181 of 1999 pending on the file of the Court of the VIII Metropolitan Magistrate, Gajuwaka, is quashed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.18-04-2007
GLV